

REMARKS

Claims 1-12, 15, 16, 18-21, and 29-37 are pending. All claims have been rejected. No new matter has been added.

Reconsideration and reexamination of the above-referenced patent application, is respectfully requested.

35 U.S.C. § 112

Claims 1 has been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement based on the limitation "the first server is not a neighbor peer". Applicants disagree and submit that support for this limitation is included in the specification in at least paragraph 18. However, to expedite the prosecution of this application, this limitation has been removed from claim 1. Applicants submit that these claims have been amended and the rejection has been overcome.

35 U.S.C. § 102(e) Rejection - Dutta

Claims 1-12, 15-16, 18-21 and 29-37 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. US 2002/0073204 to Rabindranath Dutta ("Dutta").

Independent claim 1 recites in part:

"when a first server is active in a peer-to-peer network having multiple peers, from a first peer querying the first server for information about a second peer in the peer-to-peer network, wherein the first server is configured to include information about all of the multiple peers in the peer-to-peer network ; and when the first server is not able to satisfy the query, querying one or more neighbor peers for information about the second peer."

(Emphasis added).

The Examiner stated that Dutta, page 3, paragraph 36 to paragraph 39, and Figure 2D, teaches a peer-to-peer network as claimed in claim 1. Applicants disagree.

It is noted that this same rejection was cited in the first Office Action mailed by the Examiner on October 7, 2005. An RCE and a response to this Office Action was submitted on February 7, 2006 where the Applicants presented arguments differentiating the teaching of Dutta from the limitations as claimed in claim 1. In the current Office Action mailed on March 10, 2006, the Examiner indicated that the Applicants' arguments presented on February 7, 2006 have been considered but are moot in view of the new grounds of rejection. Applicants submit that the substantive rejections provided by the Examiner in the current Office Action is exactly the same as the rejection provided by the Examiner in the Office Action mailed on October 7, 2005. As such, applicants respectfully maintain the differentiation between the teaching of Dutta and the limitations as claimed in claim 1 as follows:

In Dutta, when a user at a node enters a search query, the query is sent to a list of peer nodes listed in a connection host list. When a peer node receives the query, its server component processes the query. Each peer node searches its own database to satisfy the query. If a resulting query hit is made, then the node returns some form of query results to the node that originated the query.

Applicants submit that the server component of a peer node in Dutta is not similar to the server as claimed in claim 1. The peer node in Dutta only has information about those nodes listed in the connection host list. In contrast, a server as claimed in claim 1 includes information about all of the multiple peers in the peer-to-peer network. Furthermore, a query in Dutta is sent to the peer nodes listed in the connection host list. In contrast, the query in claim 1 is first

sent to a server, and when the server is not able to satisfy the query, the query is then sent to the neighbor peers.

Applicants submit that Dutta does not teach the limitations as claimed in claim 1, and at least for this reason, claim 1 is not anticipated by Dutta and is patentable over Dutta. Because claims 2-10 depend from and further limit claim 1, they are also patentable over Dutta.

Applicants submit that, at least for this reason, independent claims 11, 16, and 29 and their corresponding dependent claims are also patentable over Dutta.

#### CONCLUSION

Applicant respectfully submits that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call David Tran at (916) 377-3578.

Authorization is hereby given to charge our Deposit Account No. 50-0221 for any charges that may be due.

Respectfully submitted,

  
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